

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

H. THOMAS O'HARA ARCHITECT, PLLC and H.
THOMAS O'HARA,

Plaintiffs

-against-

EXTELL WEST 45TH STREET LLC, EXTELL WEST
45TH LLC and EXTELL DEVELOPMENT COMPANY

Defendants.

Civil Action 07 CV 11224 (LAK)(JCF)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed affirmation of David J. Pfeffer, Esq., affirmed on June 17, 2008, the affidavit of H. Thomas O'Hara, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, Plaintiffs will move this Court, before the Honorable Lewis A. Kaplan, United States District Judge, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting partial summary judgment on the fifth cause of action of the complaint for the claim of account stated.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2008
New York, New York

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By: 

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